Laura Ann Gens
4141 Old Trace Road
Palo Alto, CA 94306
Telephone: (650) 949-4880
Facsimile: (650) 949-4889

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FILED
JAN 31 2013
United States Bankruptcy Court
San Jose, California

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

LAURA ANN GENS, DEBTOR,	CASE NO. 13-50106 ASW **Date of Hearing: February 1, 2013.** **Time of Hearing: 2:30p.m.** **Courtroom of Judge Weissbrodt** **DEBTOR'S REPLY MEMORANDUM IN SUPPORT OF DEBTOR'S MOTION FOR EXTENSION OF STAY UNDER 11 U.S.C. §362 AND ND CA LBR 4001 AS TO CREDITOR WELLS FARGO**

Creditor Wells Fargo's counsel has had at least two weeks' notice of this motion to extend stay. Debtor received Creditor Wells Fargo's opposition today, the day before the hearing. It was sent by facsimile to Debtor's number yesterday (Wednesday) night at 6:30pm. With little response time, Debtor will not respond to each misrepresentation in the opposition and instead emphasize the important points that should lead this Court to grant Debtors' motion for extension of the stay.

I. CREDITOR HAS HAD ACTUAL NOTICE

Debtor followed the Court's "practice tip" in giving at least two weeks' notice of this motion to extend the stay. To maximize the amount of time that counsel for creditor Wells Fargo would be aware of the motion, the papers were faxed to save mailing time. The papers were sent to the very same counsel that has represented Wells Fargo in each and every bankruptcy and litigation matter involving Debtor. That counsel also filed a Notice of Postponement earlier this week which also referred to this motion for an extension of the stay. Wells Fargo's counsel has had two weeks of actual notice.

II. THERE ARE MULTIPLE CHANGES IN CIRCUMSTANCES DETAILED IN THE PROPOSED PLAN

In the opposition, Wells Fargo states that there are no changes in circumstances. Not true. Debtor details on pages 22-23 of the proposed Plan that the income from Debtor's Reiki business has increased dramatically and continues to do so with the number of students and clients increases. Wells Fargo should not compare the income figures from the proposed Plan to the numbers presented in the September 11, 2012 bankruptcy filing. Those figures already reported the increase in income as Debtor's Reiki business was taking off. Debtor never got to propose a Plan in that bankruptcy filing and was poorly represented by counsel in a prior motion to extend the stay.

Another change is detailed on page 23 of the proposed Plan. Debtor had four dependent children and paid college tuition for three of them. Now she has one child in a public high school. Two children are now young adults, graduated from college, are working full time, and now contribute income to the family unit rather than being an expense. The third college child has received a scholarship, is working part time, and is no longer an expense.

III. THE PLAN IS CONFIRMABLE

Debtor's income alone more than covers the debt service of the two secured creditors which includes Wells Fargo. Debtor's income also come from multiple sources and is most likely to continue to increase.

The proposed Plan also details the repayment of all arrears to the creditors, even though Debtor alleges that there are no arrears to either secured creditor. Debtor has income from multiple family members and their diverse sources of income to more than cover those payments on the arrears.

The unsecured creditors are entitled to vote on the Plan and have already verbally stated that they will approve the proposed Plan.

IV. CONCLUSION

Debtor is not abusing the bankruptcy system by solely fling a case to avoid paying a debt. Just the opposite. Debtor believes no arrearage under the loan exists. But the principal amount of the loan is in dispute. Debtor never had the opportunity in her prior bankruptcy case to see the objection to the Wells Fargo claim to its conclusion.

Debtor's primary concern is the trustee's sale that will undoubtedly be scheduled by Wells Fargo on the CA property if the automatic stay expires. Debtor needs protection from suffering a great economic loss through a trustee's sale.

Wells Fargo will not be harmed. It has been previously demonstrated that there is significantly equity of over a million dollars in the secured property to protect even their erroneous, inflated interests.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

January 31, 2013

Laura Gens

CERTIFICATE AND PROOF OF SERVICE BY FACSIMILE

I am a citizen of the United States and reside in Santa Clara County, California. I am over the age of eighteen years and not a party to the within entitled action. On January 31, 2013 I caused the following document(s)

REPLY MEMORANDUM IN SUPPORT OF MOTION FOR AN EXTENSION OF THE AUTOMATIC STAY UNDER 11 U.S.C. §362 AND ND CA LBR 4001

to be sent by FACSIMILE to the attorneys listed the bankruptcy petition file:

Matthew J. Pero, Anglin et al. 199 S. Los Robles Ave Suite 600, Pasadena, CA 91101 FAX 626-5777764

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 31, 2013.

Julia Gens